

Docket No.: P-0142

IFW / AF  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Seok Ho BAE and Kwang Chul JU

Confirmation No.: 4534

Group Art Unit: 3713

Examiner: Julie K. BROCKETTI

Customer No.: 34610

Serial No.: 09/709,574

Filed: 11/13/2000

For: GAME SERVICE SYSTEM

**REPLY BRIEF**

U.S. Patent and Trademark Office  
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Alexandria, Virginia 22314

Sir:

This Reply is filed in response to the Examiner's Answer dated February 9, 2007.

In the Appeal Brief, Applicants argued that the functional limitations of the claims must be given patentable weight. Based on the comments made by the Examiner in the Examiner's Answer, the Examiner has agreed that to anticipate functional claim features, the cited prior art references must have a structure which is capable of performing the recited functions.

It appears that the crux of the disagreement between the Examiner and the Applicants is over what U.S. Patent No. 5,654,746 to McMullan (hereinafter, McMullan) discloses. The Examiner has taken the position that the structure disclosed in McMullan is capable of performing the functions recited in the claims. Applicants respectfully disagree.

As explained in the Appeal Brief, the McMullan structure encodes image and audio information for a first broadcast program into one transport stream, and that first transport stream is broadcast over a cable system at a first frequency. Image and audio information for

other broadcast programs are broadcast over the cable system at other frequencies, each broadcast program consisting of its own separate transport stream that is broadcast on its own separate frequency. Game programs are encoded into yet another separate transport stream, and the game program transport stream is broadcast over the cable system at still another frequency.

The McMullan system makes use of frequency division multiplexing, where each separate transport stream is broadcast over a different frequency. All of the portions of McMullan cited by the Examiner support the fact that McMullan makes use of frequency division multiplexing to transport multiple different transport streams on their own separate frequencies.

In contrast, the claimed systems and methods utilize time-division multiplexing to encode image and audio information for a broadcast program, AND game programs, AND game program information into a single transport stream. That single transport stream is then delivered from a central location to the user's premises.

The Examiner has taken the position that the McMullan structure could perform the functions recited in the claims. However, nothing in the McMullan structure is capable of time division multiplexing image and audio information, game programs and game program information into a single transport stream, and then sending that single transport stream from a central location to the customer's premises. Likewise, nothing in the McMullan structure is capable of receiving a time division multiplexed transport stream containing image and audio information and game programs and game program information, and then splitting the single transport stream out into its component parts. For these reasons, it is respectfully submitted that McMullan's structure cannot perform the functions recited in the claims. The specific functional features of the claims which McMullan's structure cannot perform are fully set forth

in the Appeal Brief.

Because McMullan's structure cannot perform the recited functions, it is respectfully submitted that all claims are allowable.

Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
KED & ASSOCIATES, LLP

A handwritten signature in black ink, appearing to read "John C. Eisenhart", written over a vertical line.

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